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8 Attorneys for
9 **RECEIVABLES PERFORMANCE**
10 **MANAGEMENT, LLC**

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 JOSHUA HALL,

14 Plaintiff,

15 vs.

16 RECEIVABLES PERFORMANCE
17 MANAGEMENT, LLC,

18 Defendant.

Case No: 13-CV-0805 BEN (RBB)

NOTICE OF EX PARTE
APPLICATION

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TO THE COURT, PLAINTIFF, AND HIS COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on October 17, 2013, Defendant Receivables Performance Management, LLC (“Defendant”) will and hereby does move Ex Parte for an Order to continue the settlement conference currently scheduled for October 24, 2013 at 2:00 pm in the chambers of United States Magistrate Judge Ruben B. Brooks, 221 West Broadway, Courtroom 2C, San Diego, California for a further settlement conference, or in the alternative, allow an Defendant to appear through it’s Compliance Officer, who happens to be a lawyer.

Good cause exists for this request. The Court’s August 26, 2013 Minute Order [Docket 17.] requires that Defendant’s representative appearing at the settlement conference be a non-lawyer. Defendant’s Compliance Officer, Mark Case, who handles settlement conferences on behalf of the company, is a lawyer in the state of Washington. Further, currently no other employee of Defendant who would be vested with full settlement authority is available to attend the currently scheduled settlement conference, other than Mr. Case.

This Ex Parte Application is based on this Notice, the concurrently filed Memorandum of Points and Authorities, and the concurrently filed Declaration of Sean P. Flynn, Esq.

Defendant did request a stipulation from Plaintiff’s Counsel. Plaintiff’s Counsel declined to stipulate.

Dated: October 17, 2013

FOLEY & MANSFIELD, PLLP

By: /s/ Sean P. Flynn
Sean P. Flynn
Attorneys for Defendant
Receivables Performance Management, LLC.